

ORDERS ON I.A.No.IV

The counsel for petitioner has filed **I.A.No.IV** under order-VI Rule-17 read with section 151 of Civil Procedure Code, praying to delete the date of accident that it is wrongly mentioned as 26.07.2023 instead of 26.07.2022 in the interest of justice and equity.

2. In the memo of facts annexed to the application it is stated that at the time of filing of the petition, date of accident it is wrongly mentioned as 26.07.2023 instead of 26.07.2022 which may be allowed to be amended. That application filed by the petitioner may be allowed and necessary order may be passed and the said amendment will not change the nature of the case. That if the application is allowed no loss or prejudice will be caused to other side on the contrary petitioner will be put to untold hardship and loss.

3. On the other hand **counsel for respondent No.2 has filed objections** to the said application stating that application filed by the petitioner is false, frivolous and not maintainable. That at the initial stage of filing the case there was delay and the petitioner has filed this application to amend the petition and has sought for change date of accident which again causes delay of one year. That the petitioner has not filed application to condone such inordinate delay and has not mentioned

the satisfactory reason for such delay, hence prayed for rejection of the application.

3. Heard both side and perused all the materials available on record.

5. Now the points that arise for the consideration of this Tribunal are ;

1. Whether the **I.A.No.IV** filed by the petitioner deserves to be allowed?

2. What order ?

6. This Tribunal has answered to the above points as here under:

Point No.1: In the **Affirmative**

Point No.2: As per the final order for the following:

REASONS

7. **Point No.1:** The petitioner has filed I.A.No.IV under order-VI Rule-17 read with section 151 of Civil Procedure Code, praying to delete the date of accident, it is wrongly mentioned as 26.07.2023 instead of 26.07.2022 in the interest of justice and equity.

8. In view of the above facts, this tribunal is of the opinion that petitioner has made out sufficient grounds to amend the date of accident from 26.07.2023 to **26.07.2022**, as the said mistake has crept due to oversight and

it is not intentional. Hence, I.A.No.IV filed by the counsel for petitioner deserves to be allowed. Accordingly, point No.1 is answered in the **Affirmative**.

9. **Point No.2:-** In view of the above discussion, this Tribunal proceeds to pass the following:

ORDER

The **I.A.No.IV** filed by petitioner under order-VI Rule-17 read with section 151 of Civil Procedure Code is hereby **Allowed**.

Consequently, petitioner is directed to make necessary amendment and for amended petition.

Call on: 26.03.2026

**IV Addl. Dist and Sessions Judge,
Belagavi.**